

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ARROW COMMUNICATION LABORATORIES, INC.,
and TRESNESS IRREVOCABLE PATENT TRUST,

Plaintiffs and Counterclaim
Defendants,
vs. 5:05-CV-1456 (Lead Case)
5:05-CV-703 (Member Case)

JOHN MEZZALINGUA ASSOCIATES, INC.,

z Defendant and Counterclaim
Plaintiff.

APPEARANCES:

Rader Fishman & Grauer, Law Firm
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and
Rader, Fishman & Grauer Law Firm
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Hon. Norman A. Mordue, Chief U.S. District Judge

**JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT**

I have been informed by Magistrate Judge David E. Peebles that the parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with

prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure.

Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is hereby,

ORDERED that the above-captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and it further

ORDERED that the dismissal of the above-captioned case shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless a party moves to re-open this case within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and it is further

ORDERED that the telephone conference scheduled for May 20, 2009, with the undersigned is cancel.

IT IS SO ORDERED

Date: April 30, 2009



Norman A. Mordue
Chief United States District Court Judge